IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 9945 of 2005(H)

PETITIONER:

T.T.SUNNY, P.W.D. CONTRACTOR,
RESIDING AT THANDAAKKATTU HOUSE,
P.O.MEENANGADI, WAYANADU.

BY ADV. SRI.V.V.SURENDRAN
SRI.P.A.HARISH

RESPONDENTS:
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1. THE EXECUTIVE ENGINEER,
P.W.D. ROADS DIVISION, WAYANAD.

2. THE STATE OF KERALA, REP. BY SECRETARY,
PUBLIC WORKS DEPARTMENT, THIRUVANANTHAPURAM.

3. THE INSPECTOR GENERAL OF POLICE,
VIGILANCE DEPARTMENT, THIRUVANATHAPURAM.

BY GOVT.PLEADER SMT.K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)No.9945/2005

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. TRUE COPY OF THE JUDGMENT IN W.A.1590/99 OF THIS HON'BLE COURT DATED 4-2-2002

EXT.P2. TRUE COPY OF THE JUDGMENT IN W.P(C)24694/03 OF THIS HON'BLE COURT DATED 18-8-2003

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH, J.

W.P(C)No.9945 of 2005

Dated this the 10th day of August, 2007

JUDGMENT

The writ petition is filed with the following prayer:-

> i) issue a writ of mandamus or other appropriate writ, order or direction directing the respondents to disburse Rs.58,550/- due to the petitioner as per bill dated 20-2-98 from the head of account 3054-99-OR for the work done by the petitioner for providing 20 mm chipping carpet between km.20/0 to 21/0 of CMF road (Now NH 212) near Meenangadi as per agreement No.EE(W)42 dated 9-7-98.

Learned Government Pleader submits that the amount was withheld owing to the pendency of the vigilance enquiry. Learned counsel for the petitioner submits that the enquiry has already been completed as can be seen from Ext.P2 judgment. If the enquiry has been completed, there is no point in withholding the amount, if any, due to the petitioner. Therefore, there will be a direction to respondents 1 and 2 to take appropriate action to disburse the amounts, if any, due to the petitioner within a period of two months from the date of production of a copy of the judgment. The claim for interest is left open to be pursued either

before the Government or to be worked out before the civil court. Needless to say that in view of the execution of the work in 1998 the petitioner shall not be directed to wait in the queue.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.